

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MARCUS ALLEN BRASHER,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:24-CV-553-WKW
)	[WO]
ANN DAVIS, NURSE JAMIE, and)	
NURSE REBECCA,)	
)	
Defendants.)	

ORDER

Plaintiff Marcus Allen Brasher, proceeding *pro se*, commenced this 42 U.S.C. § 1983 action alleging violations of his federally protected rights while in the custody of the Alabama Department of Corrections at the Chilton County Jail. In an Order entered on September 26, 2024 (Doc. # 6), Plaintiff was granted *in forma pauperis* status and instructed that he “must immediately inform the court and Defendant (or Defendant’s counsel) of any change in his address, *i.e.*, if he is transferred to a new correctional institution or released from confinement.” (*Id.*) Plaintiff further was “cautioned that his failure to provide an updated address to the court within ten days following any change may result in the dismissal of this action.” (*Id.* at 2.)

Thereafter, two Orders were mailed to Plaintiff at his address of record (Docs. # 13, 14) but were returned and marked as “Return To Sender, Refused, Unable To

Forward” (Doc. # 19). Hence, the court directed Plaintiff to file notice of his updated address by January 10, 2025, or show cause why this action should not be dismissed for failure to prosecute. (Doc. # 21.) Additionally, Plaintiff was cautioned that “failure to timely respond to this Order will result in a recommendation by the Magistrate Judge that the action be dismissed.” (*Id.*) This Order also was returned and marked as “Return to Sender, Not Deliverable as Addressed, Unable to Forward.” (Doc. # 22.)

Based on Plaintiff’s failure to comply with the court’s orders, on January 16, 2025, the Magistrate Judge filed a Recommendation for dismissal of this action without prejudice. (Doc. # 23.) The authority of courts to dismiss cases for failure to obey court orders is supported by Rule 41(b) of the Federal Rules of Civil Procedure and controlling case law. (*Id.* at 2.) Objections from Plaintiff were due by January 30, 2025; however, to date, no objections have been filed. In fact, this Recommendation also was returned as undeliverable. (Doc. # 24.)

Based upon the foregoing and an independent review of the record as a whole, the dismissal of this action without prejudice is appropriate. Plaintiff has failed to notify the court of a change of address, notwithstanding the clear directives that he do so. It is ORDERED, therefore, as follows:

- (1) The Recommendation (Doc. # 23) is ADOPTED; and
- (2) Plaintiff’s action is DISMISSED without prejudice.

Final judgment will be entered separately.

DONE this 14th day of April, 2025.

/s/ W. Keith Watkins

UNITED STATES DISTRICT JUDGE